

ARTICLE APPEARED
ON PAGE **A12**

NEW YORK TIMES
9 March 1986

U.N. Studying Legality of U.S. Cutback Order

By **ELAINE SCIOLINO**

Special to The New York Times

UNITED NATIONS, N.Y., March 8 — High-ranking United Nations officials said today that they were investigating the legality of the United States order to the Soviet missions to reduce their personnel by more than a third.

"This thing is quite a sensitive matter and our legal counsel is studying the matter," said Virendra Dayal, an aide to Secretary General Javier Pérez de Cuéllar. "We shouldn't comment rashly or at random on this one. It is too complicated."

Mr. Dayal and other United Nations officials said they believed the United States move, which will cut the permanently assigned staffs of the missions of the U.S.S.R., the Ukraine and Byelorussia from a total of 275 to 170 by April 1, 1988, was unprecedented.

Under the arrangements that led to the creation of the United Nations at the end of World War II, the Soviet Union is represented not only by a delegation from its central government, but by delegations from the Ukraine and Byelorussia, two of its 15 constituent republics, on the ground that these areas suffered particularly from the German invasion during the war.

The United States has occasionally expelled individual diplomats from United Nations missions for specific reasons, but never ordered an overall cut in the size of a mission. Mr. Pérez de Cuéllar was informed of the decision by an American delegate, Herbert S. Okun, on Friday.

The legality of the decision rests on three documents drafted soon after the United Nations was founded in 1945, according to experts in international law.

They are the General Convention on Privileges and Immunities of 1946, the Headquarters Agreement of 1947 and a 1947 report of the Senate Foreign Relations Committee.

Most important is the Headquarters Agreement, a contract signed by the

United Nations Secretary General and the United States Secretary of State dealing with the privileges and immunities of United Nations headquarters.

None of these agreements put a specific limitation on the size of a mission to the United Nations, although they raise questions about individuals who are considered to have abused their privileges and immunities. Among the steps that can be taken is expulsion of the individual.

A process is established by which the Secretary of State must approve such steps and must consult with the member state involved, or the Secretary General.

Even if the United Nations determines that the American decision is illegal, there is nothing it can do to stop it, according to legal experts. There is no provision in the agreements on what a member state can do to prevent an expulsion.

'No U.S. Interference'

Richard C. Hottelet, a spokesman for the American mission, said, "The Headquarters Agreement says that there shall be no United States interference except on matters relating to national security."

The fundamental justification for the United States decision is national security, he said.

Western diplomats and experts in multilateral affairs agree with the United States view that there is no reason why the three Soviet missions combined should be more than twice as large as the next largest mission.

Edward C. Luck, president of the United Nations Association, the Amer-

ican research organization, said: "It was something of a shotgun approach, but it is perfectly justifiable for the United States to set some sort of limits on the activities of foreign nationals serving in their missions to the United Nations particularly in this case where we have reason to believe that members of missions have been engaged in improper activities. The question it raises is what kind of precedent it sets in setting a numerical ceiling for missions."